

Pa. Mayor Sentenced In Wiretap

By Thomas Hylton

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MERCER, Pa., Feb. 7—Williamsport, Pa. Mayor John R. Coder, who was convicted in August, 1973, of tapping telephones in city hall, was sentenced Friday to 23 months probation and was ordered to undergo psychiatric testing.

Coder, 49, a Republican who took office in January, 1972, was also fined \$5,000 and told to pay the estimated \$10,000 court costs.

The mayor was tried in this western Pennsylvania town after his attorneys won a change of venue from Williamsport, the seat of Lycoming County, by arguing that the mayor could not get a fair trial there.

Mercer County Judge Albert E. Acker first sentenced Coder to 11½ months in jail on each of two charges, intercepting telephone messages and conspiracy. But the judge then reduced the sentence to probation.

He also decided not to remove Coder from office, explaining later, "I didn't legally have the right to remove him unless it was a crime of moral turpitude. And there have been no cases on whether wiretapping constitutes moral turpitude."

"Besides, I knew that if I did remove him from office, he'd appeal, and by the time the appeal was ruled on, his term of office would be up anyway. I also believe it's the citizens' prerogative as to whether he should serve as their mayor."

Coder's wife is reportedly seriously ill, and Acker said that weighed heavily in his sentence.

"With three children, I couldn't see the point of putting the man in prison," he said. "I had resolved a different type of sentence in my mind before I learned of his

wife's illness."

The wiretapping was discovered in 1973, when Lycoming County District Attorney Allen E. Ertel investigated reports that Coder and Williamsport's public safety director, John Samony, were tapping telephone calls in city hall. Coder claimed that he was investigating possible corruption.

Samony pleaded guilty to wiretapping in May, 1974, and resigned.

On Sept. 3, 1974, Ertel charged Williamsport Police Chief Maynard Patterson with obstructing justice and hindering the prosecution in relation to the wiretapping scandal. Patterson was indicted in November, but last month, Judge Robert Kemp ruled to suppress part of the evidence. Ertel is appealing that decision in Pennsylvania's Superior Court. Meanwhile, Patterson continues as police chief.

Coder declined to comment Saturday about his sentence.